

called on Congress to find a rational middle ground between amnesty and mass deportation in the debate over immigration reform. Then, as now, the Senate is moving legislation that would respond to the President's call by simply granting amnesty to millions of illegal immigrants.

But amnesty is not the middle ground. The true middle ground of this national debate would put border security first; reject amnesty and require that all illegal immigrants leave the country and apply outside the United States for the legal right to live and work here; create a new center built on the private sector that could make that an orderly process; temporary workers returning to America would learn English; and employers hiring illegals would face serious penalties.

That is the true rational middle ground, and after the Senate is done with its work, I hope it is the middle ground that we find in this Chamber on behalf of the American people.

MAKING AMERICA LESS DEPENDENT ON FOREIGN OIL

(Mr. KAGEN asked and was given permission to address the House for 1 minute.)

Mr. KAGEN. Mr. Speaker, for too long our Nation has been dependent on foreign oil. Today all of our constituents and all Americans are feeling that lack of independence at the pump. It is time for this Congress to enact realistic and effective energy legislation that will help America become energy independent.

We must begin to invest in the resources we have right here at home. We must work together to create solutions to rely on our own ingenuity rather than the unreliable sources of foreign energy. Some of these solutions begin right on the farm, like in my own district in northeast Wisconsin. Biodiesel, methane digesters, cellulosic ethanol, all of these measures will help us become independent once again. It begins with a \$5 million investment in our own family farms, the energy independent family farm program. This provision will be included in the farm bill, and I urge all my colleagues to support it, along with the other positive measures within it.

By investing and creating energy independence on the farm, we will take the first step in becoming less dependent on foreign sources of energy.

PRESIDENT PROPOSING TOO LITTLE TOO LATE

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, for 6 years President Bush and Republican Congresses ignored the record gas prices that seemed to pop up every year just before Memorial Day. Once again this year, American consumers are paying for their inaction.

Finally, last week President Bush announced an executive order addressing this growing problem. Unfortunately, his plan doesn't call for any action until the weeks before he leaves office in 2009, and this is far too little and years too late.

Since taking control of Congress this year, Democrats have already passed measures to reduce the price of gas in this country and invest in renewable energy. We are dedicated to curbing our Nation's addiction to foreign oil and investing in our resources in the Midwest, instead of buying more from the Middle East.

Mr. Speaker, Democrats refuse to stand idly by while gas prices rise across the country. This week we will fight price gouging, something that the past Republican Congresses were unwilling to do.

American consumers need help now, not in 2009, and this new Democratic Congress is going to deliver.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ANDREWS). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

FEDERAL PRICE GOUGING PREVENTION ACT

Mr. RUSH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1252) to protect consumers from price-gouging of gasoline and other fuels, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1252

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Price Gouging Prevention Act".

SEC. 2. UNCONSCIONABLE PRICING OF GASOLINE AND OTHER PETROLEUM DIS- TILLATES DURING EMERGENCIES.

(a) UNCONSCIONABLE PRICING.—

(1) IN GENERAL.—It shall be unlawful for any person to sell, at wholesale or at retail in an area and during a period of an energy emergency, gasoline or any other petroleum distillate covered by a proclamation issued under paragraph (2) at a price that—

(A) is unconscionably excessive; and

(B) indicates the seller is taking unfair advantage of the circumstances related to an energy emergency to increase prices unreasonably.

(2) ENERGY EMERGENCY PROCLAMATION.—

(A) IN GENERAL.—The President may issue an energy emergency proclamation for any area within the jurisdiction of the United States, during which the prohibition in paragraph (1) shall apply. The proclamation shall state the geographic area covered, the gaso-

line or other petroleum distillate covered, and the time period that such proclamation shall be in effect.

(B) DURATION.—The proclamation—

(i) may not apply for a period of more than 30 consecutive days, but may be renewed for such consecutive periods, each not to exceed 30 days, as the President determines appropriate; and

(ii) may include a period of time not to exceed 1 week preceding a reasonably foreseeable emergency.

(3) FACTORS CONSIDERED.—In determining whether a person has violated paragraph (1), there shall be taken into account, among other factors—

(A) whether the amount charged by such person for the applicable gasoline or other petroleum distillate at a particular location in an area covered by a proclamation issued under paragraph (2) during the period such proclamation is in effect—

(i) grossly exceeds the average price at which the applicable gasoline or other petroleum distillate was offered for sale by that person during the 30 days prior to such proclamation;

(ii) grossly exceeds the price at which the same or similar gasoline or other petroleum distillate was readily obtainable in the same area from other competing sellers during the same period;

(iii) reasonably reflected additional costs, not within the control of that person, that were paid, incurred, or reasonably anticipated by that person, or reflected additional risks taken by that person to produce, distribute, obtain, or sell such product under the circumstances; and

(iv) was substantially attributable to local, regional, national, or international market conditions; and

(B) whether the quantity of gasoline or other petroleum distillate the person produced, distributed, or sold in an area covered by a proclamation issued under paragraph (2) during a 30-day period following the issuance of such proclamation increased over the quantity that that person produced, distributed, or sold during the 30 days prior to such proclamation, taking into account usual seasonal demand variations.

(b) FALSE PRICING INFORMATION.—It shall be unlawful for any person to report to a Federal agency information related to the wholesale price of gasoline or other petroleum distillates with actual knowledge or knowledge fairly implied on the basis of objective circumstances that such information is false or misleading.

(c) DEFINITIONS.—As used in this section—

(1) the term "wholesale", with respect to sales of gasoline or other petroleum distillates, means either truckload or smaller sales of gasoline or petroleum distillates where title transfers at a product terminal or a refinery, and dealer tank wagon sales of gasoline or petroleum distillates priced on a delivered basis to retail outlets; and

(2) the term "retail", with respect to sales of gasoline or other petroleum distillates, includes all sales to end users such as motorists as well as all direct sales to other end users such as agriculture, industry, residential, and commercial consumers.

(d) CONSTRUCTION.—As described in this section, a sale of gasoline or other petroleum distillate does not include a transaction on a futures market.

SEC. 3. ENFORCEMENT BY THE FEDERAL TRADE COMMISSION.

(a) ENFORCEMENT BY FTC.—A violation of section 2 shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)). The Federal Trade Commission shall enforce this Act in the same